

**MINUTES
COLUMBUS BOARD OF ZONING APPEALS
NOVEMBER 22, 2005
COUNCIL CHAMBERS, 2nd FLOOR, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: Mary Ferdon, Acting Chairperson; Karen Dugan, Secretary; Lou Marr, Dave Bonnell

Members Absent: Patricia Zeigler, Chairperson

Staff Present: Laura Thayer, Assistant Planning Director; Marcus Hurley, Associate Planner; Alan Whitted, Deputy City Attorney; Sondra Bohn, Planning Assistant.

Mary Ferdon, acting Chairperson, opened the meeting with a brief explanation about the Board and its responsibilities.

Proof of advertising for all cases was confirmed. The petitions and staff comments are a permanent record at the Planning Department.

Alan Whitted, Deputy City Attorney, administered the oath to all in attendance that would be speaking.

DOCKET C/DS-05-11 A & N ENTERPRISES

A & E Enterprises is a request by Curt and Michelle Aton for a Development Standards variance to reduce the amount of stacking spaces required for a drive through business. The property is located at 1122 2nd Street in Columbus, Township.

Mr. Hurley stated that Curt and Michelle Aton had submitted a request to withdraw their petition for a developmental standards variance for relief of stacking space requirement for a drive-through business.

Lou Marr moved to approve the withdrawal of request **C/DS-05-11**. The motion was seconded by Karen Dugan and approved unanimously.

DOCKET C/DS-05-16 STARBUCKS

Starbucks is a request by MAP Columbus Development Co. LLC to allow an interstate highway interchange sign to remain located in front of a primary structure. The property is located at 2355 Jonathan Moore Pike in Columbus Township.

Mr. Hurley presented the staff report along with the findings of fact.

A power point presentation was given.

Ms. Ferdon read a letter submitted by Steve Ruble, the City Engineer in reference to the Starbucks request.

Petitioners Jeff Rocker and Aaron Boyle stated their names for the record.

The petitioners addressed the findings of fact, and gave a visual presentation.

The meeting was open to the public.

Mayor Fred Armstrong stated that it is his opinion that the sign is going to be seen anywhere you put it. He said that he did not think it would do anybody any good if moved or it stays where it is.

The meeting was closed to the public.

Lou Marr made a motion to deny **C/DS-05-16** along with the findings of fact because it did not meet criteria 1, 2, 3, and 4. Karen Dugan seconded the motion, and it carried unanimously.

DOCKET C/CU-05-11 COUNTRY CRITTERS II

Country Critters is a request by Audrey Blackman to allow the operation of a dog grooming business in the AG (Agricultural) district. The property is located at North Dellasburg Road in Clay Township.

Mr. Hurley presented the staff report along with the findings of facts.

He stated that this request was previously approved at the December 28, 2004 meeting of the BZA, and the petitioner has returned for re-approval as required by a condition of the original approval.

The petitioner, Audrey Blackman, stated her name and presented her case.

The meeting was open to the public.

There was no public comment.

The meeting was closed to the public.

Mary Ferdon the read letters from the following people in support of the petition: Mr. and Mrs. Michael Radcliff, Doug and Shandi Thomas, Danny Hardin and Cheryl Hostetler.

Dave Bonnell moved to approve **C/CU-05-11** along with the findings of fact as stated by staff with the following conditions.

1. The proposed use shall be limited to 8 a.m-5 p.m. Monday through Friday.
2. There shall be no signage associated with the use.
3. No boarding or overnight stays for the dogs.
4. The approval of this petition is not transferable to any other property owned by the petition or to another owner at this location.

Lou Marr seconded the motion and the motion passed 4-0.

DOCKET C/DS-05-18 TIM MEDARIS

Tim Medaris is requesting a development standards variance to allow the subdivision of a parcel into four new lots without the 10-acre parent-tract remainder. The property is located Lowell Road approximately 2,650 feet west of the intersection of Lowell Road and County road 330 West in Columbus Township.

Mr. Hurley read the background along with the findings of fact into the record.

There was a power point presentation given and narrated by Mr. Hurley

The petitioner, Tim Medaris, and his daughter Dusty Blackburn stated their names for the record.

The petitioners presented their case.

There was a discussion among the staff on whether the criteria had been met.

Ms. Marr stated that she believed that she did not consider the property a non-buildable lot, because someone had divided it wrong and that it was a hardship to the property since someone else was allowed to do that in the past.

Ms. Marr made a motion to allow the lot to be buildable and to allow the subdivision of a property with no parent-tract remainder. She stated the approval would not be injurious to the public health, safety, and welfare, provided that the County Board of Health approve the septic system for the number of lots that the subdivision committee or the Plan Commission will allow. The approval will not affect the use and value of the property in the area because most of that property along Lowell Road is residential of similar size lots already, so it fits in with the neighborhood. There are practical difficulties in the use of the tract as agricultural land because of easements through other peoples' property. A hardship to the land has been created through the previous subdivision. The general spirit and intent of the zoning ordinance is for the land to be used for its highest and best use. Mr. Bonnell seconded the motion and it carried unanimously.

FINDINGS OF FACT

The following findings of fact were presented to the board for consideration:

C/DS-05-17: 609 Lafayette-Karen Dugan made a motion to accept the findings, seconded by Lou Marr. Motion passed unanimously.

C/CU-05-10: Penny Hundley- Karen Dugan made a motion to accept the findings, seconded by Lou Marr. Motion passed unanimously.

APPROVAL OF MINUTES

Upon the motion made by Lou Marr and seconded by Karen Dugan, the minutes of the October 25, 2005 meeting was approved unanimously.

There being no other business, the meeting was adjourned.

Mary Ferdon, Acting Chairperson

Karen Dugan, Secretary